

Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of)

Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)

MM Docket No. 00-59
RM-9734

(Point Arena and Cloverdale, CA))

To: Mass Media Bureau (Policy & Rules)

COMMENTS IN SUPPORT OF PROPOSED RULE MAKING

Point Broadcasting ("Point"), by its attorney, respectfully comments in support of the Commission's Notice of Proposed Rule Making ("Notice"), DA 00-736, released March 31, 2000, in the above-captioned proceeding. Point is the permittee of unbuilt FM station KSRT, Point Arena, California.

Point supports the proposal to reallocate Channel 296A to Cloverdale in lieu of its present allotment to Point Arena, and incorporates by reference the showing of the need of Cloverdale for a station (or a second station) which was made in its petition for rule making.

In addition, Point provides further evidence of Cloverdale's need for a new station. Attached hereto are four separate statements from Cloverdale community leaders describing Cloverdale's need for its own station. These statements speak for themselves.

As the Commission noted in its Notice, there is presently pending a proposal to allot Channel 274A to Cloverdale, as well as Point's mutually exclusive counterproposal to allot that channel to

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Cazadero, California, in MM Docket 99-180. The Commission stated, in view of the fact that our resolution of this proceeding may affect the outcome of MM Docket 99-180, it may be necessary ultimately to combine these dockets into a single Report and Order.

Point takes no position on whether these two proceedings should be combined. However, as the Commission recognized, the aims of Section 307(b) of the Communications Act will be furthered by reallocoting Channel 296A to Cloverdale, irrespective of the outcome of MM Docket 99-180. If the counterproposal in that proceeding is adopted, Channel 296A will be the only station in Cloverdale, a sizeable community, 1990 population 4,924, which is clearly deserving of its own local transmission outlet.

Point Arena, a much smaller community, whose 1990 population is only 407, has another FM allotment, Channel 272B1, on which there is one pending application, by the Del Mar Trust, File No. BPH-950206MK. Thus, even should the Commission allot Channel 274A to Cloverdale, the outcome of the instant proceeding will be that one community will have two allotments and the other one. Clearly, Cloverdale, the community larger by a factor of greater than ten, is more deserving of a second channel than is Point Arena.

Moreover, Commission precedent holds that, for purposes of comparing the needs of two communities for a new service pursuant to Section 307(b), only granted construction permits are considered when determining whether a community has an existing station. Santee Cooper Broadcasting Company of Hilton Head, Inc., 99 FCC 2d 781 (Rev. Bd. 984), mod. sub nom Women's Broadcasting Coalition, Inc., 59 RR 2d 730 (1986). In that proceeding, the Commission

determined that Bluffton, South Carolina, was considered to have no local transmission service, notwithstanding that an allotment of a different frequency to Bluffton had recently become effective.

Thus, regardless of where Channel 274A is ultimately allotted in MM Docket 99-180, to Cloverdale or to Cazadero, Cloverdale is considered to have no local service until a construction permit is granted. The Commission may consider Channel 296A to be Cloverdale's first transmission service, and amend its Table of Allotments in accordance with its Notice.¹

Accordingly, the public interest will be served by adoption of the rule making as proposed.


Point will promptly apply for a construction permit for the new facilities upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the application.

Prompt action on this proceeding is requested, as the three-year construction period for KSRT is running and it would not be prudent for point to construct the station at Point Arena given the likelihood of the changes proposed in this proceeding being adopted. In view of the above, the Commission should amend Section 73.202(b) as requested herein and modify the facilities of FM station KSRT accordingly.

¹ Under this latter scenario, if it is assumed that neither Point Arena nor Cloverdale have an existing station, the move of Point's unbuilt station from Point Arena to Cloverdale is consistent with Commission precedent. See, e.g. Genoa, Mt. Morris, and Oregon, Illinois, 14 FCC Rcd 10727 (Policy and Rules 1999).

Respectfully Submitted,

POINT BROADCASTING

By 
Jerrold Miller
Its Attorney

May 19, 2000

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033



October 7, 1999

Federal Communications Commission
c/o Point Broadcasting
1108 Dover Drive
Lodi, CA 95242

re: Point Broadcasting Proposal filed 7/12/99

To Whom It May Concern:

This letter is in support of the Point Broadcasting request to locate their commercial radio station in Cloverdale. At present, we have no local station. We are a growing community whose needs would be better served by a local station which could emphasize local news and announcements, and provide direct access for emergency/disaster information specific to our community.

Thank you for your consideration,



Linda Brown, ACE
President/CEO

Where the Vineyards meet the Redwoods



P.O. Box 356 • Cloverdale, CA 95425 • (707) 894-4470



Management Connections

The Personnel Administrator

Temporary Employment Services

Permanent Placements

Payroll Services

October 8, 1999

☒ **Cloverdale**

707-894-4400

PO Box 796

Cloverdale, CA 95425

Fax 707-894-9147

Federal Communications Commission

c/o Point Broadcasting

1108 Dover Drive

Lodi, CA 95242

☐ **Ukiah**

707-462-7793

518 S. School St.

Ukiah, CA 95482

Fax 707-462-6271

RE: Point Broadcasting Proposal filed 7/12/99

We were so excited to learn that Cloverdale may actually have a radio station soon! Our town is growing by leaps and bounds, with many new residents, a new downtown design plan and a number of new businesses expressing interest in relocating here. The radio station proposed by Point Broadcasting would be the "crowning" touch!

☐ **Healdsburg**

707-433-0202

1310 Prentice Dr.

Suite B

Healdsburg, CA 95448

Fax 707-433-8102

Cloverdale is a close-knit community whose needs would be better served by a local radio station which could emphasize LOCAL news and announcements, and provide direct access for emergency/disaster information specific to our community. We certainly don't enjoy this "luxury" now since the radio stations that serve our area are in Santa Rosa or San Francisco and tend to focus more on events in those areas.

☐ **Eureka**

707-444-9622

3015 "F" Street

Eureka, CA 95501

Fax 707-444-0274

If I can be of further assistance in helping to sway the FCC's decision to "smile favorably" on Point Broadcasting's proposal to locate a commercial radio station in Cloverdale, please do not hesitate to give me a call!

Thank you.

Sincerely,

Mary Jo Winter

Antiques & Uniques

Sydney Sciaini
124 South Cloverdale Blvd
Cloverdale, CA 95425

Phone 707 894 4080
FAX 707 894-3275

October 11, 1999

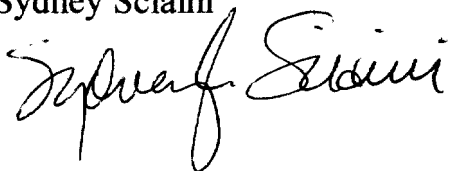
Federal Communications Commission
c/o Point Broadcasting
1108 Dover Dr
Lodi, CA 95242

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Thank you for your consideration,

Sydney Sciaini

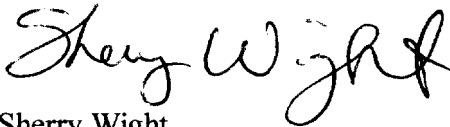


Federal Communications Commission
C/o Point Broadcasting
1108 Dover Dr
Lodi, Ca 95242

Re: Point Broadcasting Proposal filed 7/12/99

This letter is in support of the Point Broadcasting request to locate their commercial radio station in Cloverdale. At present, we have no local station. We are a growing community who could really use a local station for our advertising and enjoyment needs.

Thank you for your consideration,


Sherry Wight

Representing:

Wight Rose Nursery
Cloverdale, CA
707/894-2602

Wight Construction
Cloverdale
707/894-2602

Wight Thunder Motorcycle Co.
221 S. Cloverdale Blvd.
Cloverdale, CA 95425
707/894-0200

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of MAY, 2000, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

Victor A. Michaels, Jr.
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009

A handwritten signature in black ink, appearing to read "V. Michaels", is written over a horizontal line.